

PATENT

REMARKS

Claim 1-58 are pending in the present application. In the aforementioned Office Action, claims 21, 22, 40 and 41 were rejected under 35 U.S.C. § 102(b). Claims 23-26, 42-45 were rejected under 35 U.S.C. § 103(a). Claims 27-30, 33, 46-49 and 52 were also rejected under 35 U.S.C. § 103(a).

To expedite prosecution and without acquiescing to the Examiner's positions, by this amendment, claims 21-30, 33, 40-49 and 52 have been cancelled without prejudice. The Examiner's rejection on these claims is thereby avoided.

Claims 1-20 were rejected under the judicially created doctrine of obviousness-type double patenting over claims 1-8 of U.S. Patent No. 6,307,840.

Pursuant to 37 C.F.R. § 1.321(c), a terminal disclaimer is filed accompanying with this amendment. Accordingly, the Examiner's rejection on these claims is thereby obviated. Withdrawal of the rejection is respectfully requested.

Claims 31, 32, 34-39, 50, 51 and 53-58 were objected to and would be allowable if rewritten in independent form.

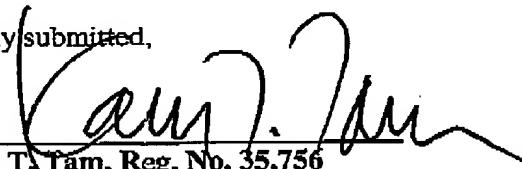
By this amendment, the claims objected to have been rewritten in independent form, with each of the claims including all the limitations of the base claim and any intervening claims. Allowance of the rewritten claims is believed to be in order and is respectfully requested.

The cited by non-relied upon references have been studied but found to be less relevant than the relied upon references.

PATENT

In view of the above amendment and remarks, all claims remaining in the application, claims 1-20, 31, 32, 34-39, 50, 51 and 53-58, are submitted to be patentable over the prior art. The application is now believed to be in proper form for allowance. Reconsideration and an early allowance are respectfully requested. In the event of any additional fees that may be due with this response, please charge such fees to Deposit Account No. 17-0026.

Respectfully submitted,

By: 

Kam T. Tam, Reg. No. 35,756
(858) 651-5563

Dated: August 4, 2005

QUALCOMM Incorporated
5775 Morehouse Drive
San Diego, California 92121
Telephone: (858) 658-5787
Facsimile: (858) 658-2502

BEST AVAILABLE COPY

Attorney Docket No.: QCPA453B1C1
Customer No.: 23696